

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA**

STATE OF NORTH DAKOTA, *et al.*, )  
Plaintiffs, )  
v. )  
UNITED STATES )  
ENVIRONMENTAL PROTECTION )  
AGENCY, *et al.*, )  
Defendants. )  
Case No. 3:15-cv-00059-PDW-ARS

## NOTICE OF FINAL RULE

Defendants the United States Environmental Protection Agency (“EPA”), the United States Army Corps of Engineers, Andrew Wheeler, in his official capacity as Administrator of EPA,<sup>1</sup> and R.D. James, in his official capacity as Assistant Secretary of the Army for Civil Works (collectively, “the Agencies”) wish to notify the Court and the parties that, on April 21, 2020, the final rule entitled “Navigable Waters Protection Rule: Definition of ‘Waters of the United States,’” was published in the Federal Register. *See* 85 Fed. Reg. 22,250 (Apr. 21, 2020). This rule defines “waters of the United States” under the Clean Water Act and will replace the existing definition in the Code of Federal Regulations. This rule goes into effect on June 22, 2020.

Dated: April 21, 2020

Respectfully submitted,

/s/ *Sonya J. Shea*  
SONYA J. SHEA  
United States Department of Justice  
Environment & Natural Resources Division  
Environmental Defense Section

<sup>1</sup> EPA Administrator Andrew Wheeler is automatically substituted in his official capacity for his predecessor in office pursuant to Rule 25(d) of the Federal Rules of Civil Procedure.

999 18th St., South Terrace, Suite 370  
Denver, CO 80202  
T: (303) 844-7231  
F: (303) 844-1350  
sonya.shea@usdoj.gov

**CERTIFICATE OF SERVICE**

I hereby certify that on April 21, 2020, I caused a true and correct copy of the foregoing to be served via the court's CM/ECF system on all registered counsel.

/s/ Sonya J. Shea